

**Ordinance No. 2009-01**

**ENFORCEMENT OFFICER ORDINANCE  
OF THE DEL NORTE SOLID WASTE MANAGEMENT AUTHORITY**

The Board of Commissioners of the Del Norte Solid Waste Management Authority finds the following to be true:

The Del Norte Solid Waste Management Authority is a Joint Powers Authority of the City of Crescent City and the County of Del Norte formed in part to manage the disposition of solid waste and other discards and also to abate waste-related public nuisances.

The Del Norte Solid Waste Management Authority has adopted Ordinance No. 2008-01 entitled Solid Waste and Recycling Responsibility Ordinance.

The Del Norte Solid Waste Management Authority has adopted Ordinance No. 2008-02 entitled Nuisance Abatement Ordinance. The Del Norte Solid Waste Management Authority has adopted Ordinance No. 2008-03 entitled Administrative Citation Ordinance.

The Board has determined it be in the best interests of the Authority to establish an office which has the primary responsibility for investigating, serving notices of violation and citations, appearing in administrative or court proceedings to assist in the prosecution of ordinance violators, and monitoring compliance with enforcement orders.

NOW, THEREFORE, the Board of Commissioners of the Del Norte Solid Waste Management Authority does ordain as follows:

**SECTION 1. OFFICE ESTABLISHED**

There is hereby established the office of Ordinance Enforcement Officer for the Del Norte Solid Waste Management Authority.

**SECTION 2. APPOINTMENT**

The Executive Director of the Del Norte Solid Waste Management Authority may appoint any qualified person or persons to the position of Ordinance Enforcement Officer..

**SECTION 3. ENFORCEMENT AUTHORITY**

The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Del Norte Solid Waste Management Authority, including any ordinance currently or hereafter enacted, and without regard to whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer.

#### **SECTION 4. DUTIES**

The duties of the Ordinance Enforcement Officer shall include, without limitation, the following:

- a. Investigating ordinance violations;
- b. Serving notices of violation;
- c. Issuing and serving administrative citations;
- d. Appearing in administrative or court proceedings to assist in the prosecution of ordinance violators;
- e. Serving as an Illegal Dumping Officer within the meaning of Penal Code Section 830.7, subdivision (j);
- f. Serving as a Vehicle Abatement Officer; and
- g. Such other enforcement duties as may be delegated by the Board or Executive Director.

#### **SECTION 5. POWERS OF ARREST**

Pursuant to Section 830.7(j) of the Penal Code, if the Ordinance Enforcement Officer is so qualified, he or she is hereby authorized to exercise those powers of arrest afforded him or her by said Section. Pursuant to Penal Code Section 836.5, such authority shall include the power to make warrantless arrests for misdemeanor violations of the Authority's ordinances whenever the Officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor violation of such ordinance in the presence of the Officer.

#### **SECTION 6. PUBLICATION**

The Clerk of the Authority shall cause this Ordinance to be published once within fifteen (15) days after passage in a newspaper of general circulation, printed, published and circulated in the County of Del Norte in accordance with Section 36933 of the Government Code.

#### **SECTION 7. SEVERABILITY**

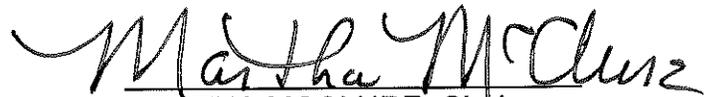
If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Authority hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof, are declared invalid or unconstitutional.

#### **SECTION 8. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days from its final adoption.

**PASSED AND ADOPTED** by the Board of Commissioners of the Del Norte Solid Waste Management Authority on the 14<sup>th</sup> day of January, 2008 by the following vote to wit:

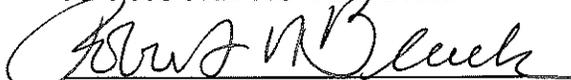
AYES: Commissioner Schelling, Reese, Sullivan, Burns and McClure  
NOES: none  
ABSENT: none  
ABSTAIN: none

  
MARTHA MCCLURE, Chair

**ATTEST:**

  
ELLEN BROWN, Clerk

**APPROVED AS TO FORM:**

  
ROBERT N. BLACK, Attorney  
Del Norte Solid Waste Management Authority